

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SHELBY OWNBEY AND JOYCE OWNBEY,

Plaintiffs,

v.

AKER KVAERNER PHARMACEUTICALS
INC., et al.,

Defendants.

Civil No: 07-2190 (KSH)

ORDER

AKER KVAERNER PHARMACEUTICALS
INC.,

Third Party Plaintiff,

v.

ADVANTAGE BUILDINGS & EXTERIOR,
INC., MID-CONTINENT CASUALTY CO.,
ZURICH AMERICAN INSURANCE
COMPANY and NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH
PA.,

Third Party Defendants.

This matter comes before the Court on Aker Kvaerner Pharmaceuticals, Inc.'s ("Aker") motion for partial summary judgment on its claim for insurance coverage [D.E. 520] and motion to strike and dismiss the subrogation claim asserted by Mid-Continent Casualty Co. ("MCC") [D.E. 521]. This Court referred both motions to the Honorable Cathy L. Waldor, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Waldor filed a Report and Recommendation on October 1, 2014 [D.E. 531] recommending that this Court grant both motions. MCC filed its objections to the Report and Recommendation on October 17, 2014 [D.E.

534] and Aker filed its response on October 31, 2014 [D.E. 535]. After reviewing the Report and Recommendations *de novo*, the Court declines to adopt it, and for the reasons set forth in the opinion filed herewith,

IT IS on this 2nd day of September, 2015,

ORDERED that Aker does not qualify as an additional insured under the MCC Policy No. 04-GL-00570143; and it is further

ORDERED that MCC's subrogation claims are dismissed.

/s/ Katharine S. Hayden

Katharine S. Hayden, U.S.D.J.